UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,073	09/30/2003	Jeyhan Karaoguz	14277US02	7513

23446 7590 10/24/2008

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER	
RYAN, PATRICK A	

ART UNIT	PAPER NUMBER
2427	

MAIL DATE	DELIVERY MODE
10/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/675,073	KARAOGUZ ET AL.	
	Examiner	Art Unit	
	PATRICK A. RYAN	2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is made in response to Amendment Under 37 CFR 1.114 ("Reply") filed August 15, 2008. Applicant has amended Claims 1, 4-6, 11, 14-16, 21, 24-26, 32, 37, and 39; has added Claims 41-44; and no claims have been canceled. As amended, Claims 1 through 44 are presented for examination.

2. In the Office Action of May 20, 2008 ("Office Action"):

Claims 1-3, 9-13, 19-23, 29-33, & 35-40 were rejected under 35 U.S.C. 102(e) as being anticipated by Ellis et al. (US Patent No. 6,774,926).

Claims 4, 5, 14, 15, 24, & 25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US Pat No. 6,774,926) in view of Moynihan (US Pat. Application Publication 2002/0056119).

Claims 6-8, 16-18, 26-28, & 34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US Pat No. 6,774,926) in view of Zustak et al. (US Pat Application Publication 2002/0104098).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 15, 2008 has been entered.

Miscellaneous

4. Applicant is advised that the Examiner of record for this application has changed. In addition, the Examiner's Art Unit number has changed from 2623 to 2427. All further correspondence should be directed to Art Unit 2427.

Response to Arguments

5. Applicant's arguments filed August 15, 2008 have been fully considered but they are not persuasive.

6. Applicant presents that Ellis does not describe, teach, or suggest the Claim 1, 11, 21, and 32 limitation "establishing a private television channel to be showed by a first television at a first home and a second television at a second home" because "Ellis discloses the distribution or broadcasting media, or accessing the media on demand." In addition, regarding the establishment of a private television channel, Applicant presents that "the fact that [the video data of Ellis] may be broadcast or accessed on demand suggest quite the opposite". (Reply Pages 13-14; with further reference to Ellis Col. 7 Lines 33-37). The Examiner respectfully disagrees.

The Examiner agrees that Ellis discloses a variety of methods for distributing media, including: broadcasting media according to a schedule (Figs. 9) and uploading media to be provided on-demand (Fig. 10). Ellis further teaches that a "Contributor" creates a personal media channel for distribution according to the schedule, which is provided to an end user or "Viewer" (as disclosed in Col. 7 Lines 27-47). Ellis provides

the interface of Fig. 14 to the Contributor so that various aspects of the personal channel can be customized. In particular, Ellis teaches in Fig. 14 that the Contributor can establish a password for themselves (element 200) and the Contributor can establish a password for the Viewer (element 213) so that "the system may only allow those users who supply this password (e.g., to a program guide) to view the program". (as described in Col. 11 Line 46—Col. 12 Line 16; with further reference to Col. 15 Lines 23-34).

In view of Ellis's teachings of a Contributor/Viewer password associated with the personal television channel, it is the Examiners position that Ellis does in fact teach the Claim 1, 11, 21, and 32 limitation "establishing a private television channel to be showed by a first television at a first home and a second television at a second home".

7. Applicant further presents that Ellis does not describe, teach, or suggest the amended Claim 1, 11, 21, and 32 limitation "associating personal media with said private television channel, wherein said personal media is pushed from said first home to said second home" because "Ellis describes a scenario in which video data may be generally "distributed" as it is being created (i.e., sent in "real time")". (Reply Pages 13-14; with further reference to Ellis Col. 7 Lines 33-37). The Examiner respectfully disagrees.

The Examiner submits that in addition to distributing media by Video Camera 98 in "real time" (as disclosed in Col. 7 Lines 4-17), Ellis also teaches the distribution of media by playing back a recorded video (Col. 7 Lines 12-17) according to a schedule or

on-demand (as described in Col. 7 Lines 27-47; with further reference to Figs. 9, 10, and 14). Ellis provides the interface of Fig. 14 to the Contributor so that various aspects of the personal channel can be customized. In particular, Ellis teaches that the Contributor establishes the times and dates in which the personal media is to be distributed (with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3) and received by the Viewer (interface of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 13 Line 29—Col. 14 Line 32). In addition, Ellis describes in Col. 8 Lines 15-17 that the "schedule data may accompany the videos".

It is the Examiners position that the Contributor pushes the personal media to the Viewer of the program guide (Fig. 9), because the Contributor determines the schedule (distribution data and time of Fig. 14) in which the personal channel is to be broadcast to the Viewer. In other words, the Viewer can only select and view the personal media according the schedule established by the Contributor. The Examiner presents that the above teaches of Ellis are also in accordance with Applicant's Specification, including but not limited to, Paragraphs [43, 46, 65, 72, 73, 81] regarding the words "push", "pushed", and "pushing". The Examiner submits that Applicant's Paragraph [43] is the most exemplary demonstration of an act when "media is pushed" (i.e. "pushing"):

> "The media exchange network allows users to effectively become their own broadcasters from their own homes by creating their own media channels and pushing those media channels to other authorized users on the media exchange network..." (Page 21 Paragraph [65])

It is the Examiner's position that Paragraph [65] of Applicant specification demonstrates that users "becoming their own broadcasters" (i.e. broadcasting) is equivalent to the act of "pushing" media channels because a user can create their own media channel (i.e.

determine date and time of broadcast) and push the media channel to other authorized users.

In view of the above, the Examiner presents that Ellis does in fact teach the Claim 1, 11, 21, and 32 "associating personal media with said private television channel, wherein said personal media is pushed from said first home to said second home".

8. Applicant's arguments with respect to the Claim 1, 11, 21, and 32 limitation "associating destination information regarding one or both of said first and/or second homes with said private television channel and/or said personal media" have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims **1-3, 9-13, 19-23, 29-33, & 35-40** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ellis et al.** (**US Patent No. 6,774,926**).

11. With respect to Claim 1, Ellis teaches a method for supporting communication of media (Generally shown in Figs. 15-18), the method comprising:

establishing a private television channel to be showed by a first television at a first home and a second television at a second home (User Equipment 34 of Fig. 1, also shown as Contributor 102 (i.e. first home) and Viewer 104 (i.e. second home) of Fig. 7, is used to establish personal media channels and distribute the channel to selected users by way of password protection, as described in Col. 11 Line 46—Col. 12 Line 16 and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34);

associating personal media with said private television channel (personal media, such as "Dental News" is associated with the personal channel "DEN", as shown in Fig. 9 and described in Col. 9 Line 48—Col 10. Line 8; with further reference to Contributor interface of Fig. 14), wherein said personal media is pushed from said first home to said second home (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32);

and associating destination information regarding one or both of said first and/or second homes with said private television channel and/or said personal media ("channel maps" that link personal channels with television channels or Internet address

information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17).

12. With respect to Claim 2, Ellis teaches the method according to Claim 1, comprising displaying said personal media along with content of a media broadcast on one or both of said first television and/or said second television (Television 72 displaying programming from both traditional television channels and from personal television channels Col. 5 Lines 45-48; with further reference to Fig. 9 as described in Col. 9 Line 1—Col. 10 Line 8).

13. With respect to Claim 3, Ellis teaches the method according to Claim 2, comprising communicating at least a portion of said associated personal media over said private television channel between said first television and said second television ("Contributor" and "Viewer" interaction as described in Col. 7 Lines 27—Col. 9 Line 15 and shown in Figs. 7 and 8).

14. With respect to Claim 9, Ellis teaches the method according to Claim 1, comprising presenting a representation of said private television channel in a channel guide displayed on one or both of said first television and/or said second television (Fig. 9 showing Personal Channels 136, as described in Col. 9 Line 1—Col. 10 Line 8).

15. With respect to Claim 10, Ellis teaches the method of Claim 1 comprising presenting a representation of said associated personal media for said private television channel in a media guide displayed on one or both of said first television and/or said second television ("tune set-top box to appropriate channel", such as Dental News in

DEN channel, as described in Col. 9 Line 61--Col. 10 Line 8; with further reference to Fig. 9).

16. With respect to Claim 11, Ellis teaches a machine-readable storage having stored thereon, a computer program having at least one code section for supporting communication of media, the at least one code section being executable by a machine for causing the machine (Set-top Box 62 of Fig. 3, as described in Col. 5 Lines 17-60 executing the method of Figs. 15-18) to perform steps comprising:

establishing a private television channel to be showed by a first television at a first home and a second television at a second home (User Equipment 34 of Fig. 1, also shown as Contributor 102 (i.e. first home) and Viewer 104 (i.e. second home) of Fig. 7, is used to establish personal media channels and distribute the channel to selected users by way of password protection, as described in Col. 11 Line 46—Col. 12 Line 16 and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34);

associating personal media with said private television channel (personal media, such as "Dental News" is associated with the personal channel "DEN", as shown in Fig. 9 and described in Col. 9 Line 48—Col 10. Line 8; with further reference to Contributor interface of Fig. 14), wherein said personal media is pushed from said first home to said second home (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig.

9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32);

and associating destination information regarding one or both of said first and/or second homes with said private television channel and/or said personal media ("channel maps" that link personal channels with television channels or Internet address information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17).

17. Claim 12 is met as previously discussed with respect to Claims 11 and 2.

18. Claim 13 is met as previously discussed with respect to Claims 11 and 3.

19. Claim 19 is met as previously discussed with respect to Claim 11 and 9.

20. Claim 20 is met as previously discussed with respect to Claim 11 and 10.

21. With respect to Claim 21, Ellis teaches a system for supporting communication of media, the system comprising (as generally shown in Figs. 1, 7, and 8): at least one processor (microprocessor-based Set-top Box 62 of Fig. 3, as described in Col. 5 Lines 17-60) for

establishing a private television channel to be showed by a first television at a first home and a second television at a second home (User Equipment 34 of Fig. 1, also shown as Contributor 102 (i.e. first home) and Viewer 104 (i.e. second home) of Fig. 7, is used to establish personal media channels and distribute the channel to selected users by way of password protection, as described in Col. 11 Line 46—Col. 12 Line 16

and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34);

associating personal media with said private television channel (personal media, such as "Dental News" is associated with the personal channel "DEN", as shown in Fig. 9 and described in Col. 9 Line 48—Col 10. Line 8; with further reference to Contributor interface of Fig. 14), wherein said personal media is pushed from said first home to said second home (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32);

and associating destination information regarding one or both of said first and/or second homes with said private television channel and/or said personal media ("channel maps" that link personal channels with television channels or Internet address information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17).

22. Claim 22 is met as previously discussed with respect to Claims 21 and 2.

23. Claim 23 is met as previously discussed with respect to Claims 21 and 3.

24. Claim 29 is met as previously discussed with respect to Claims 21 and 9.

25. Claim 30 is met as previously discussed with respect to Claims 21 and 10.

26. With respect to Claim 31, Ellis teaches the system according to claim 21, wherein said at least one processor is one or more of a television processor, a media processing system processor, a media peripheral processor, a personal computer processor and/or a personal computer executing media exchange software processor (television processor of Set-top Box 62, shown in Fig. 3 and described in Col. 5 Lines 17-60).

27. With respect to Claim 32, Ellis teaches a method for supporting the communications of media (Generally shown in Figs. 15-18) comprising:

establishing a private television channel to be showed by a first television at a first home and a second television at a second home (User Equipment 34 of Fig. 1, also shown as Contributor 102 (i.e. first home) and Viewer 104 (i.e. second home) of Fig. 7, is used to establish personal media channels and distribute the channel to selected users by way of password protection, as described in Col. 11 Line 46—Col. 12 Line 16 and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34);

associating personal media with said private television channel (personal media, such as "Dental News" is associated with the personal channel "DEN", as shown in Fig. 9 and described in Col. 9 Line 48—Col 10. Line 8; with further reference to Contributor interface of Fig. 14), wherein said personal media is pushed from said first home to said second home (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig.

9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32);

and associating destination information regarding one or both of said first and/or second homes with said private television channel and/or said personal media ("channel maps" that link personal channels with television channels or Internet address information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17).

28. Claim 33 is met as previously discussed with respect to Claims 32 and 2.

29. With respect to Claim 37, Ellis teaches a system supporting consumption of media by a television display via a communication network (Internet based Communications Network 40 of Fig. 1, as described in Col. 3 Lines 8-18; with further reference to Figs. 7 and 8), the system comprising a processor communicatively coupled to the communication network (microprocessor-based Set-top Box 62 of Fig. 3, as described in Col. 5 Lines 17-60 executing the method of Figs. 15-18), wherein:

said processor delivers via said communication network, a user interface (as shown in Figs. 9-14; with further reference to the method of Figs. 15-18); said user interface facilitating creation of a personal television channel ("Personal Television Channel Scheduler" Input Screen 196 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3);

said processor participates to establish the personal television channel on the television display (personal television channels are displayed to the user as shown in Figs. 9, 10, 12, 13 and described in Col. 9 Line 1—Col. 11 Line 45)

said processor associates destination information regarding one or both of first and/or second locations with the private television channel and/or the personal media associated with the personal television channel ("channel maps" that link personal channels with television channels or Internet address information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17; with further reference to the Contributor/Viewer configuration of Figs. 7 and 8);

and said processor pushes the personal television channel from the first location to the second location (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32).

30. With respect to Claim 38, Ellis teaches the system according to Claim 37, wherein said user interface is a web page ("web page or other interface may be used by contributors to enter personal television channel schedule information over the Internet", as described in Col. 5 Lines 12-14).

31. With respect to Claim 39, Ellis teaches a system for supporting delivery of personal media to a television display in a home from storage that is located outside of the home via a communication network (Internet based Communications Network 40 of Fig. 1, as described in Col. 3 Lines 8-18; with further reference to Figs. 7 and 8. In addition Program Schedule Database 54 of Fig. 2 can be used to store and supply program data, as described in Col. 4 Lines 19-58), the system comprising:

a processor communicatively coupled to the communication network (microprocessor-based Set-top Box 62 of Fig. 3, as described in Col. 5 Lines 17-60 executing the method of Figs. 15-18);

a personal television channel viewable on the television display established through participation by said processor (Program Guides of Fig. 9 and 10, displayed by way of Television 72, as described in Col. 9 Line 6—Col. 10 Line 32),

wherein personal media is associated with said personal television channel (personal media, such as "Dental News" is associated with the personal channel "DEN", as shown in Fig. 9 and described in Col. 9 Line 48—Col 10. Line 8; with further reference to Contributor interface of Fig. 14), wherein destination information regarding the television display is associated with said personal television channel ("channel maps" that link personal channels with television channels or Internet address information that is used to locate the channels, as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17; with further reference to the Contributor/Viewer configuration of Figs. 7 and 8), and wherein said personal television channel is pushed to the television display

from a remote location (Contributor establishes the times and dates in which the personal media is to be distributed and received by the Viewer, with reference to elements 204, 206, and 208 of Fig. 14, as described in Col. 11 Line 65--Col. 12 Line 3; and interface of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8; with further reference to Col. 7 Lines 38-47, Col. 13 Line 29—Col. 14 Line 32);

and a visual interface provided by said personal television channel to support selective consumption of the personal media from the storage on the television display (as shown in Figs. 9-14; with further reference to the method of Figs. 15-18).

32. With respect to Clam 40, Ellis teaches the method according to Claim 39, wherein said visual interface is a graphical user interface navigable by one or more of a remote control, a pointing device, and/or touch screen (as shown in Figs. 9-14; with further reference to the method of Figs. 15-18. In addition, users can interact with the interface using Remote Control 74 or Wireless Keyboard 76 of Fig. 3, as described in Col. 5 Lines 46-60).

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

34. Claims **4, 5, 14, 15, 24, & 25** rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of **Moynihan (US Pat. Application Publication 2002/0056119)**.

35. With respect to Claim 4, Ellis teaches a user interface that provides a Contributor the option of assigning a password to a personal channel so that only authorized users have the ability to access the channel (User Equipment 34 of Fig. 1, also shown as Contributor 102 (i.e. first home) and Viewer 104 (i.e. second home) of Fig. 7, is used to establish personal media channels and distribute the channel to selected users by way of password protection, as described in Col. 11 Line 46—Col. 12 Line 16 and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34). In addition, Ellis teaches that "in homes with multiple viewers, user profiles may be established, so that each viewer may have a customized set of favorites, etc." (as described in Col. 13 Lines 50-52, and Col. 15 Lines 4-22). Ellis however does not explicitly teach selecting one or both said second home and/or said second television from a user interface of said first television.

In a similar field of invention, Moynihan teaches a method and system for transferring multimedia files to a central server where they can be readily accessed by others on the network (Abstract). In addition Moynihan discloses selecting viewers (2nd users) for the receipt of personal media created by a channel owner (1st user) from a user interface (Fig.15 and Paragraphs [0056, 0088, 0089]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Moynihan with those of Ellis et al., in order to provide the creator of the channel the added option of selectively sending out a private television channel. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to provide a more efficient and secure manner in which to selectively broadcast a personal channel to a chosen recipient.

36. With respect to Claim 5, the combination of Ellis and Moynihan teach the method of Claim 4 comprising selecting said one or both of said second home and/or said second television from one or both of a list and/or a profile displayed on said first television (Moynihan teaches the use of a "contact list", as shown in Fig. 15 and Paragraph [0056, 0088, 0089]).

37. Claim 14 is met as previously discussed with respect to Claims 11 and 4.

38. Claim 15 is met as previously discussed with respect to Claims 11 and 5.

39. Claim 24 is met as previously discussed with respect to Claims 21 and 4.

40. Claim 25 is met as previously discussed with respect to Claims 21 and 5.

41. Claims **6-8, 16-18, 26-28, 34-36, & 41-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ellis et al. (US Pat No. 6,774,926)** in view of Zustak et al. (**US Pat Application Publication 2002/0104098**).

42. With respect to Claim 6, Ellis teaches the method of Claim 1 where "channel maps" are used to associate destination information by linking personal channels with television channels or Internet address information that is used to locate the channels (as described in Col. 13 Line 66--Col. 14 Line 23 and shown in Step 234 of Fig. 17). Ellis however does not explicitly teach determining said destination information through at least one identifier associated with one or more of said first home, said first television, said second home and/or said second television.

In a similar field of invention, Zustak teaches a system in which a channel of television programming, created by an individual subscriber, is transmitted to a number of subscribers by addressing the IP addresses of the set-top box, which may be integrated into a television set (322, 324, 326, & 328), at select locations (Paragraphs [0005], [0040], [0043], [0045], and Fig.3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teachings of Zustak with those of Ellis, in order to provide a manner in which to identify individual subscribers on a communication network. A person with ordinary skill in the art would have been motivated to make the modification to Ellis et al. in order to give the creator of a private television channel the benefit of streamlining content to a selective group of viewers.

43. With respect to Claim 7, the combination of Ellis and Zustak teach the method of Claim 6 wherein said at least one identifier is one or more of a device ID, a serial number, a medium access control (MAC) address and/or an Internet protocol (IP) address (Zustak teaches the use of an IP address in selectively addressing individual subscribers for the receipt of personal programming, as described in Paragraphs [0016] & [0043]).

44. With respect to Claim 8, the combination of Ellis and Zustak teach the method of Claim 6 comprising establishing said private television channel between said first television and said second television based on said at least one identifier (Zustak et al. that teach the transmittal of the personal media channel to individual subscribers, using IP addresses, as described in Paragraphs [0016] & [0043]. In addition, Ellis teaches that a password can be assigned to a personal channel, as described in Col. 11 Line 46—Col. 12 Line 16 and shown in Figs. 8, 9, 10, and 14; with further reference to Col. 3 Lines 19-33, Col. 15 Lines 23-34).

45. With respect to Claim 41, the combination of Ellis and Zustak teach the method of Claim 1, wherein said destination information regarding one or both of said first and/or second homes comprises information regarding one or more of said first television, said second television, a first storage and/or a second storage (Zustak teaches the use of an IP address in selectively addressing individual subscribers television equipment, such as a Set-top Box, for the receipt of personal programming, as described in Paragraphs [0016] & [0043]).

46. Claim 16 is met as previously discussed with respect to Claims 11 and 6.

47. Claim 17 is met as previously discussed with respect to Claim 11 and 7.

48. Claim 18 is met as previously discussed with respect to Claims 11 and 8.

49. Claim 42 is met as previously discussed with respect to Claims 11 and 41.

50. Claim 26 is met as previously discussed with respect to Claims 21 and 6.

51. Claim 27 is met as previously discussed with respect to Claims 21 and 7.

52. Claim 28 is met as previously discussed with respect to Claims 21 and 8.

53. Claim 43 is met as previously discussed with respect to Claims 21 and 41.

54. Claim 34 is met as previously discussed with respect to Claims 32 and 8.

55. Claim 35 is met as previously discussed with respect to Claims 32 and 2.

56. Claim 36 is met as previously discussed with respect to Claims 32 and 3.

57. Claim 44 is met as previously discussed with respect to Claims 37 and 41.

Conclusion

58. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

59. Cooper et al., United States Patent (6,754,904 B1) teach a method for providing an electronic program guide as a common interface between users in different geographic locations. The electronic program guide can be used to inform a first network user of activity by other network users and communicate information between users on the network (Abstract, Fig. 6).

60. McKenna, Jr., United States Patent (6,915,528 B1) teaches method and system of linking program interface objects (PIO's), which provide a visual indicator of a represented program, between users on a television network (Abstract, Fig. 15).

61. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on ac cess to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Friday, October 24, 2008

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427